

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S.M. Stedman et al. Attorney Docket No.: NETM117389
Application No.: 10/032,988 Group Art Unit: 2153
Filed: December 27, 2001 Examiner: M.M. Meky
Title: METHOD OF ACCESSING INFORMATION ON A HOST COMPUTER
FROM A CLIENT COMPUTER

DECLARATION OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR PURSUANT TO 37 C.F.R. § 1.47

Seattle, Washington 98101

January 7, 2003

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

I, Scott Y. Shigeta, declare and state as follows:

1. My name is Scott Y. Shigeta. I am an associate with the law firm of Christensen O'Connor Johnson Kindness^{PLLC}. I have been employed with Christensen O'Connor Johnson Kindness^{PLLC} since September 1999. I am making this declaration as to the exact facts that are relied upon to establish that a diligent effort was made to secure the execution of the declaration by the non-signing inventor, Steven Matthew Stedman, for the above-referenced patent application. I have first-hand knowledge of the facts stated herein.

2. The above-referenced patent application is a reissue application of U.S. Patent No. 6,081,837, granted on June 27, 2000. A copy of the original declaration and power of attorney executed by all of the named inventors—Steven Matthew Stedman, Glenn Edward Gervais, Kevin MacFarland Mills, and Michael William Miller—and filed with the application of Patent No. 6,081,837 is attached hereto as **Exhibit A**.

3. During the prosecution of the above-referenced reissue application, applicants received an Office Action that required the filing of a declaration signed by each inventor of the reissue application.

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4. Upon receipt of the Office Action for the above-referenced patent application, with the assistance of Mary Prior, I prepared a declaration and power of attorney for the reissue application that required the signature of all of the named inventors. After conducting a search for each inventor, we obtained signatures from three of the four inventors—Glenn Edward Gervais, Kevin MacFarland Mills, and Michael William Miller. On several occasions, we sent copies of the combined declaration and power of attorney to each inventor, with instructions. A sample of our instruction letter to one of the inventors, Steven Matthew Stedman, is attached hereto as **Exhibit B**.

5. During the week of December 1, 2002, I received a telephone call from Steven Matthew Stedman. In my telephone conversation with Mr. Stedman, I explained the reason for filing the reissue application and the reason for filing the supplemental combined declaration and power of attorney. Mr. Stedman confirmed that he no longer works for the assignee of record, Wall Data, Incorporated, or its parent company, NetManage. Mr. Stedman also confirmed that he understands the reason and the need for filing the reissue application, but also stated that he is unwilling to sign any declaration for this patent application because he does not have legal representation. Mr. Stedman had concerns about his legal rights in the patent. I then explained that Wall Data, Incorporated, owns all rights to the subject matter of this application. In response, Mr. Stedman confirmed that he would not sign the declaration until he had his own attorney.

6. In the same telephone conversation with Mr. Stedman, I confirmed that my firm, Christensen O'Connor Johnson Kindness^{PLLC}, represents the assignee of record, Wall Data, Incorporated. I then named several patent attorneys who could help Mr. Stedman in this matter, and he replied and said that he will not pay for any legal fees. Mr. Stedman mentioned that he would like to assist us, but again confirmed that he is unable to do so at this time. In closing our


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conversation, Mr. Stedman again confirmed that he would not sign the declaration and power of attorney we provided him. I mentioned that we would continue the prosecution of the above-referenced reissue application without his signature, and also advised that he could sign a declaration or oath at a future date, should he decide to do so.

7. I hereby declare that all statements made herein are true to the best of my knowledge, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced patent application or any patent issued thereon.

Dated this 7th day of January, 2003.



Scott Y. Shigeta

SYS:ejh